

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN ROE; JANE DOE; JANE DOE 1,

Plaintiffs,

-against-

DATA ADVANTAGE GROUP, INC., et al.,

Defendants.

21-CV-1397 (LTS)

BAR ORDER UNDER
28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Rudy Rosenberg, who is proceeding under the pseudonym “John Roe,” filed this *pro se* action on behalf of himself and two other plaintiffs whom he identified as “Jane Roe” and “Jane Roe 1.” On May 7, 2021, the Court dismissed the Jane Roe plaintiffs from this action without prejudice and directed Rosenberg, within thirty days, to show cause by declaration why an order should not be entered imposing a leave-to-file sanction upon him for all future actions.

Rosenberg has not filed a declaration as directed or otherwise provided any reason not to impose a bar order.¹ The Court therefore bars Rosenberg from filing any future civil action in this Court without first obtaining from the Court leave to file.

CONCLUSION

The Court hereby bars Rudy Rosenberg from filing future civil actions in this Court without first obtaining from the Court leave to file. *See* 28 U.S.C. § 1651. Rosenberg must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this Court. If Rosenberg violates this

¹ On June 4, 2021, Rosenberg filed a notice of appeal to the United States Court of Appeals for the Second Circuit. (ECF 5.) By Mandate dated September 13, 2021, the Second Circuit dismissed the appeal effective August 11, 2021. (ECF 6.)

order and files an action without filing a motion for leave to file, the Court will dismiss the action for failure to comply with this order.

Rosenberg is further warned that the continued submission of frivolous documents may result in the imposition of additional sanctions, including monetary penalties. *See id.* The Clerk is directed to close this action and terminate any pending motions in this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: September 20, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge